



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,596	09/29/2004	Mie Yoshimura	Q83591	8356

23373 7590 10/28/2005

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

PIZIALI, ANDREW T

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

78

Office Action Summary	Application No. 10/509,596	Applicant(s) YOSHIMURA ET AL.	
	Examiner Andrew T. Piziali	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-28 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.
2. This application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1.
3. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-10, drawn to an identification marker.

Group II, claims 11-16, drawn to an identification method.

Group III, claims 17-24, drawn to an identification system.

Group IV, claims 25-28, drawn to a method of providing an identification service.

4. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Any international application must relate to one invention only or to a group of invention so linked as to form a single general inventive concept (see MPEP 1850). As demonstrated by the "X" references on the International Search Report, at least one independent claim of the application does not avoid the prior art, therefore, the special technical feature of the application is anticipated by or obvious in view of the prior art.

Consequently, the inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1.

Art Unit: 1771

5. Group I contains claims directed to more than one species of the generic invention.

These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species Group I (see claim 5)

Species 1, drawn to an identification marker wherein the (polymer A)/(polymer B) is (polyethylene terephthalate having a metal sulfonate salt-containing dibasic acid component copolymerized at 0.3-10 mole percent with respect to the total dibasic acid component)/(polymethyl methacrylate with an acid value of 3 or greater).

Species 2, drawn to an identification marker wherein the (polymer A)/(polymer B) is (polyethylene naphthalate having a metal sulfonate salt-containing dibasic acid component copolymerized at 0.3-5 mole percent with respect to the total dibasic acid component forming the polyester)/(aliphatic polyamide).

Species 3, drawn to an identification marker wherein the (polymer A)/(polymer B) is (copolymerized aromatic polyester obtained by copolymerization of a dibasic acid component and/or a glycol-component with at least one alkyl group on a side chain, copolymerized at 5-30 mole percent with respect to the total repeating units)/(polymethyl methacrylate).

Species 4, drawn to an identification marker wherein the (polymer A)/(polymer B) is (polycarbonate having 4,4'-hydroxydiphenyl-2,2-propane as a dihydric phenol component)/(polymethyl methacrylate).

Art Unit: 1771

Species 5, drawn to an identification marker wherein the (polymer A)/(polymer B) is (polycarbonate having 4,4'-hydroxydiphenyl-2,2-propane as a dihydric phenol component)/(poly(4-methylpentene)).

Species 6, drawn to an identification marker wherein the (polymer A)/(polymer B) is (polyethylene terephthalate)/(aliphatic polyamide).

Species Group II (see claim 8)

Species 1, drawn to an identification marker wherein the optical interference fiber is used to at least construct a body of an identifiable size as a nonwoven fabric.

Species 2, drawn to an identification marker wherein the optical interference fiber is used to at least construct a body of an identifiable size as a woven fabric.

Species 3, drawn to an identification marker wherein the optical interference fiber is used to at least construct a body of an identifiable size as a knitted fabric.

Species 4, drawn to an identification marker wherein the optical interference fiber is used to at least construct a body of an identifiable size as an embroidered fabric.

Species 5, drawn to an identification marker wherein the optical interference fiber is used to at least construct a body of an identifiable size as paper.

Species Group III (see claim 10)

Species 1, drawn to an identification marker wherein the identification target has at least a ink-painted identification section.

Species 2, drawn to an identification marker wherein the identification target has at least a dyed identification section.

Art Unit: 1771

Species 3, drawn to an identification marker wherein the identification target has at least a textile printed identification section.

6. Upon the election of Group I, applicant is required, in reply to this action, to elect a single species, from each of Species Groups I-III, to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a). Claims 1-4, 6-7, 9 and 11-28 appear to be generic.

8. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: Any international application must relate to one invention only or to a group of invention so linked as to form a single general inventive concept (see MPEP 1850). As demonstrated by the "X" references on the International Search Report, at least one independent claim of the application does not avoid the prior art, therefore, the special technical feature of the application is anticipated by or obvious in view of the prior art.

Consequently, the inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1.

Art Unit: 1771

9. A telephone call was made to Bruce Kramer on 10/14/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.
10. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement may be traversed (37 CFR 1.143).
11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

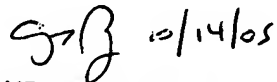
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Piziali whose telephone number is (571) 272-1541. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

atp

 10/14/05
ANDREW T. PIZIALI
PATENT EXAMINER